

Attorney's Docket No.: 10636-005001

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Applicant : David Castiel, et al.

Art Unit : 2681

Serial No. : 09/658,215

Examiner : Kamran Afshar

Filed : September 8, 2000

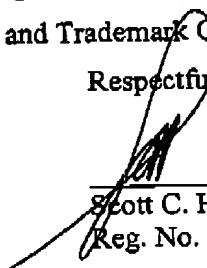
FACSIMILE COMMUNICATIONTitle : FIXED SATELLITE CONSTELLATION SYSTEM EMPLOYING NON-
GEOSTATIONARY SATELLITES IN SUB-GEOSYNCHRONOUS
ELLIPTICAL ORBITS WITH COMMON GROUND TRACKS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Attached to this facsimile communication cover sheet is Response to Notice of Abandonment, and Request for Withdrawal of Holding of Abandonment, faxed this 2nd day of April, 2004, to Group 2681, the United States Patent and Trademark Office.

Respectfully submitted,



Scott C. Harris
Reg. No. 32,030

Date: April 2, 2004

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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RESPONSE TO NOTICE OF ABANDONMENT, AND REQUEST FOR WITHDRAWAL OF
HOLDING OF ABANDONMENT

A Notice of Abandonment was mailed by the Patent Office on January 5, 2004. This Decision on Abandonment held the application abandoned for alleged failure to timely reply to the Decision on Petition "mailed on September 1, 2000".

Applicants respectfully request that the Patent Office withdraw this holding of abandonment. In fact, there was no Decision on Petition mailed on September 1, 2000; the application was not filed until September 8, 2000, and it logically makes no sense that there could have been a Decision on Petition prior to the filing of the application. Therefore,

CERTIFICATE OF TRANSMISSION BY FACSIMILE

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the Patent Office's ground of holding the application abandoned are incorrect, and withdrawal of the holding of abandonment is requested.

Applicants have reviewed the file, and have found no Decision on Petition that was not answered. In any case, should the Patent Office believe that there was in fact a previously unanswered petition, then it is respectfully suggested that the Patent Office has already accepted such paper as having been constructively answered. Prosecution was conducted on numerous grounds subsequent to this alleged failure to reply to this petition. It is respectfully suggested that if issues remain unanswered by the alleged failure to reply to the Decision on Petition, then the proper action here is for the Patent Office to re-raise these issues and allow Applicants an opportunity to respond to these grounds. Again, it makes no logical sense to consider that the application could have been deemed abandoned in September of 2000, followed by numerous office actions and responses before the Patent Office. It is respectfully suggested that when the Patent Office issued these actions on the merits, this was an indication of acceptance of adequacy of any responses to any alleged petition.

A notice on the merits is respectfully requested.

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Respectfully submitted,


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